



**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Syuji TSUKAMOTO

Group Art Unit: 2655

Application No.: 09/972,950

Examiner: G. Patel

Filed: October 10, 2001

Docket No.: 116554

For: OPTICAL RECORDING MEDIUM AND METHOD

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

Technology Center 2600

In reply to the April 23, 2004 Election of Species Requirement, Applicants provisionally elect Species a, Figures 1-5, with traverse. It is respectfully submitted that claims 1-4, 7, 10-12 and 16 are readable on Species a.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden.

See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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Date: May 17, 2004

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